

1 MORGAN, LEWIS & BOCKIUS LLP  
2 Thomas S. Hixson, Bar No. 193033  
3 thomas.hixson@morganlewis.com  
4 Spencer H. Wan, Bar No. 304329  
5 spencer.wan@morganlewis.com  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Tel: +1.415.442.1000  
Fax: +1.415.442.1001

6 ORACLE CORPORATION  
7 Dorian Daley, Bar No. 129049  
dorian.daley@oracle.com  
8 Deborah K. Miller, Bar No. 95527  
debborah.miller@oracle.com  
9 500 Oracle Parkway, M/S 5op7  
Redwood City, CA 94065  
Tel: +1.650.506.4846  
Fax: +1.650.506.7114

11 ORACLE CORPORATION  
Jeffrey S. Ross, Bar No. 138172  
jeff.ross@oracle.com  
10 Van de Graaff Drive  
Burlington, MA 01803  
Tel: +1.781.744.0449  
Fax: +1.781.238.6273

15 Attorneys for Plaintiffs  
ORACLE AMERICA, INC. and ORACLE  
INTERNATIONAL CORPORATION

20 ORACLE AMERICA, INC., a Delaware  
corporation; ORACLE INTERNATIONAL  
21 CORPORATION, a California corporation

22 Plaintiffs,

23 v.

24 BERND APPLEBY; JAMES OLDING;  
TERIX COMPUTER COMPANY, INC., a  
25 California corporation; TUSA, INC., a  
Delaware corporation; ERMINE IP, INC., a  
Delaware corporation; and ERMINE  
26 SERVICES, LLC, a Delaware company; and  
DOES 1-50,

27 Defendants.  
28

LANDAU GOTTFRIED & BERGER LLP  
PETER M. BRANSTEN (SBN 113352)  
pbransten@lgbfirm.com  
RACHEL FRANZOIA (SBN 294652)  
rfranzoia@lgbfirm.com  
1901 Harrison St., Suite 1420  
Oakland, California 94612  
Telephone: (510) 451-4001  
Fax: (310) 557-0056

6 Attorneys for Defendants BERND  
7 APPLEBY, JAMES OLDING, TUSA  
8 INC., ERMINE IP, INC., AND ERMINE  
SERVICES, LLC

11 HOPKINS & CARLEY  
John V. Picone III, SBN 187226  
jpicone@hopkinscarley.com  
Jennifer S. Coleman, SBN 213210  
jcoleman@hopkinscarley.com  
Monique D. Jewett-Brewster, SBN 217792  
mjb@hopkinscarley.com  
A Law Corporation  
The Letitia Building  
70 S First Street  
San Jose, CA 95113-2406

15 Attorneys for Defendant  
TERIX COMPUTER COMPANY, INC.

18 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 Case No.: 3:16-cv-02090-JST

21 **JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

22 Date: January 18, 2017  
Time: 2:00 p.m.  
Place: Courtroom 9  
Judge: Honorable Jon S. Tigar

1 Plaintiffs Oracle America, Inc., and Oracle International Corporation (“Oracle” or  
 2 “Plaintiffs”) and Defendants Bernd Appleby (“Appleby”), James Olding (“Olding”), TERiX  
 3 Computer Company, Inc. (“Terix”), TUSA, Inc. (“TUSA”), Ermine IP, Inc. (“Ermine IP”), and  
 4 Ermine Services, LLC (“Ermine Services”) (collectively, “Defendants”) jointly submit this Joint  
 5 Case Management Conference Statement, pursuant to Civil Local Rule 16-10(d).

6           **1.       Discovery Status**

7           **a.      Discovery Taken Since Last Statement**

8           **(1)     Party Discovery**

9 Oracle served its Second Set of Requests for Production of Documents on Defendants on  
 10 September 28, 2016. Defendants served their responses on October 31, 2016. The parties  
 11 engaged in meet and confer correspondence and had a call on December 19, 2016 concerning  
 12 Defendants’ responses.

13 Oracle served its First Set of Interrogatories on Defendants on October 18, 2016.  
 14 Defendants served their responses on November 21, 2016. Oracle raised issues with Defendants’  
 15 responses in a letter on January 3, 2017.

16 Oracle served its Second Set of Interrogatories and Third Set of Requests for Production  
 17 of Documents on Defendants on November 21, 2016. Defendants Appleby, Olding, TUSA,  
 18 Ermine IP and Ermine Services served their responses on December 27, 2016. Oracle raised  
 19 issues with those responses in a letter on January 3, 2017. Defendant Terix Computer Company,  
 20 Inc., served its responses on January 6, 2017, pursuant to an agreed upon extension to the  
 21 deadline.

22 Oracle served its First Set of Requests for Admissions, Third Set of Interrogatories, Fourth  
 23 Set of Requests for Production of Documents on Defendants on January 3, 2017.

24 Oracle has proposed that the deposition of Bernd Appleby be conducted over two days.  
 25 Defendants are considering this proposal.

26           **(2)     Non-Party Discovery**

27 Oracle served a document subpoena on Martin Wolf Securities LLC (“Martin Wolf”) on

1 September 20, 2016. Martin Wolf produced documents in response to the subpoena on  
2 November 16, 2016. Oracle served a deposition subpoena on Martin Wolf on January 4, 2017.  
3 Oracle deposed Bill Trento of Sherwood on December 6, 2016 and William Hogan of  
4 Sherwood on December 9, 2016.

5 Oracle served document subpoenas on General Microsystems Inc., Electronic Arts. Inc.,  
6 Maintech, Incorporated, and ON LINE Computer Products, Inc. on December 30, 2016. Oracle  
7 served a document subpoena on Logitech, Inc. on January 3, 2017.

8           **2. Settlement and ADR**

9           The parties have agreed to attend a mediation on January 26, 2017.

10          **3. Scheduling**

11          Oracle has requested and Defendants are amenable to a two-month extension of the  
12 deadlines in the existing case schedule (ECF 82). The parties expect to present a stipulation to  
13 the Court proposing revised deadlines.

14           ///

15           ///

16           ///

17           ///

18           ///

19           ///

20           ///

21           ///

22           ///

23           ///

24           ///

25           ///

26           ///

27           ///

28           ///

1 Dated: January 9, 2017

MORGAN, LEWIS & BOCKIUS LLP  
Thomas S. Hixson  
Spencer H. Wan

7 Dated: January 9, 2017

8 LANDAU GOTTFRIED & BERGER LLP  
Peter M. Bransten

13 Dated: January 9, 2017

14 HOPKINS & CARLEY  
Monique D. Jewett-Brewster

15

16 Dated: January 9, 2017

17 By: /s/ Monique D. Jewett-Brewster  
18 Monique D. Jewett-Brewster  
19 Attorneys for Defendant  
20 Terix Computer Company, Inc.  
21  
22  
23  
24  
25  
26  
27  
28

## **ATTESTATION**

I, Thomas S. Hixson, am counsel for Oracle America, Inc. and Oracle International Corporation. I am the registered ECF user whose username and password are being used to file this Stipulation. In compliance with LR 5-1(i)(3), I hereby attest that the above-identified counsel concurred in this filing.

Dated: January 9, 2017

## MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Thomas Hixson

Thomas S. Hixson  
Attorneys for Plaintiffs  
Oracle America, Inc. and Oracle International  
Corporation